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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/911,368	08/04/2004	Mark P. Vasudevan	0307280.0100	2252

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/911,368	VASUDEVAN, MARK P.	
	Examiner	Art Unit	
	JEAN B. FLEURANTIN	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This is in response to preliminary amendment(s) filed on 8/4/04 and 6/6/05 with respect to claims 1-78.

- i.) Claims 1-78 are presented for examination.
- ii.) The Examiner accepts the Drawings.

Response to Applicant' Remarks

2. In response to applicant's argument, filed on 6/6/06, "Applicant further submits that the present application is in condition for allowance and respectfully requests favorable action in the form of a Notice of Allowance." However, the amendment submitted 6/6/06 does not place the file in condition for allowance.

Double Patenting (non-statutory)

3. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent. In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); In re Van Omum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985) and In re Goodman, 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) and may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Instant claimed invention is not patentably distinct from patented claimed invention of US Patent No. 7000177 although the conflicting claims are not identical.

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For example: Claim(s) 1, 2 and 3 of Patent 6,877,006 contain(s) every element of respective claim(s) of the instant application Serial No. 10/911,368 and as such anticipate(s) claim(s) 1, 27 and 53 of the instant application.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " **ELI LILLY AND COMPANY v BARR LABORATORIES, INC.**, United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

This is a provisional obviousness-type double patenting.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,516,324 issued to Jones et al., ("Jones") in view of U.S. Patent No. 6,434,544 issued to Bakalash et al., ("Bakalash").

As per claim 1, 27 and 53, Jones discloses "a method executed by programmable apparatus, receiving with a computer a data retrieval request from a graphical user interface (GUI) on a programmable user display device" (i.e., in response to request for access, the system composes a graphical user interface which allows the user to specify all of the report content parameters and display the report; see col. 3, 29-33),

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b. "in response to the retrieval request, accessing with a computer a plurality of disparate digital database and retrieving with a computer requested data from such databases" (i.e., user interface permits service messaging and retrieval and also facilitating service requests; see col. 2, lines 37-46),

c. "assembling with a computer an OLAP cube of the retrieved data" (i.e., contents of the table include name of the procedure used to retrieve data; see col. 9, lines 31-34), and

d. "display the OLAP cube to the user using the GUI (i.e., detailed description of the report, in which the title of the report that is to be displayed on the screens; see col. 9, lines 48-52).

Jones fails to explicitly disclose fails to explicitly disclose wherein the OLAP cube is assembled dynamically on demand without accessing a multidimensional database of stored retrieved data. However, Bakalash discloses wherein the OLAP cube is assembled dynamically on demand without accessing a multidimensional database of stored retrieved data (see Bakalash 13, lines 38-43 and col. 8, line 64 to col. 9, line 4). It would be obvious to one ordinary skill in the art at the time the invention was made to modify Jones with OLAP cube is assembled dynamically on demand without accessing a multidimensional database of stored retrieved data as disclosed by Bakalash (see Bakalash col. 8, line 64 to col. 9, line 4).

Such a modification would allow the teachings of Jones to provide an improved method of and system for managing data elements within a MDDB during on-line analytic processing (OLAP) operations, (see Bakalash col. 1, lines 20-22).

As per claims 2, 28 and 54, Jones discloses "removing one database from the plurality of databases" (i.e., customer profiling and service contract information can be automatically and periodically extracted from a central service contract database and compared by the operation server to a table of customer profiling and contract information in a local database maintained by the operation server; see col. 5, lines 46-51).

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As per claims 3, 31 and 55, Jones discloses "adding one database to the plurality of databases" (i.e., the central facility has collected and processed the log files of operational data from the scanners, scanner utilization reports can be generated; see cols. 2-3, lines 66-2).

As per claims 4, 30 and 56, Jones discloses "providing a plurality of access codes, each access code corresponding to a number of databases that may be accessed with the access code" (i.e., the customer must upload a user id and password or access code; see col. 6, lines 39-49),

b. "assigning each user an access code" (see col. 6, lines 42-44),

c. "receiving and responding to a data access request only if the request is from a user with code authorizing access to all the databases with the requested data" (see col. 6, lines 36-40).

As per claims 5, 31 and 57, in addition to claim 5, Jones further discloses "updating data based on a data update request only if the request is from a user with code authorizing update to all the databases with the requested data" (see col. 6, lines 39-49).

As per claims 6, 32 and 58, the limitations of claims 6, 32 and 58 are rejected in the analysis of claim 1, and these claims are rejected on that basis.

As per claims 7, 33 and 59, Jones discloses "the plurality of databases are local to the server and directly accessed by the server" (cols. 1-2, lines 64-6).

As per claims 8, 34 and 60, Jones discloses "the plurality of databases are resident remotely from the server and are accessed each through a remote database server with a native information system" (cols. 1-2, lines 64-29).

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As per claims 9, 35 and 61, Jones discloses "the databases includes SQL databases, relational databases, object oriented databases, multi-dimensional databases and flat databases" (i.e., the logic is similar for charts except that the chart drop-down SQL must do an additional table join with the ScanPathCharts database table; see col. 8, lines 53-55).

As per claims 10, 36 and 62, Jones discloses "the plurality of databases are incompatible to each other" (see col. 8, lines 63-67).

As per claims 11, 37 and 63, the limitations of claims 11, 37 and 63 are rejected in the analysis of claim 4, and these claims are rejected on that basis.

As per claims 12, 38 and 64, Jones discloses "the displaying step renders 3dimensional visualizations of an entity" (see col. 9, lines 63-65).

As per claims 13, 39 and 65, the limitations of claims 13, 39 and 65 are rejected in the analysis of claim 13, and these claims are rejected on that basis.

As per claims 14, 40 and 66, Jones discloses "the databases and 3-dimensional visualizations related to an oil drilling and producing platform" (see col. 9, lines 63-65).

As per claims 15, 41 and 67, Jones discloses "the databases and 3-dimensional visualizations related to a geographic area" (see col. 9, lines 55-65).

As per claims 16, 42 and 68, the limitations of claims 16, 42 and 68 are rejected in the analysis of claim 16, and these claims are rejected on that basis.

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As per claims 17, 43 and 69, Jones discloses "the 3-D visualizations provide access to data for a component of the entity by pointing and clicking on the 3-D visualizations of the component" (see col. 9, lines 55-65).

As per claims 18, 44 and 70, Jones discloses "the databases contain data stored using one data format from the group comprising: photographic records, textual data, annotated engineering drawings, graphical plots and audio and videotaped records" (see col. 3, lines 11-20).

As per claims 19, 45 and 71, Jones discloses "the databases are connected using one from the group comprising: OLE-DB technology and a native connection method to the databases" (see col. 2, lines 29-37).

As per claims 20, 46 and 72, Jones discloses "the databases use a network topology that is one from the group comprising: a network topology managed by an operating system, and Internet protocols" (see col. 2, lines 38-42).

As per claims 21, 47 and 73, Jones discloses "the displaying step increases and decreases data detail based on input from a user" (i.e., the user specifies the desired report content parameters and then clicks a virtual activation button to display the report in the report area of the screen, each of the report content parameter options displays a dynamic list containing the most recent data in the database; see col. 3, lines 42-445).

As per claims 22, 48 and 74, the limitations of claims 22, 48 and 74 are rejected in the analysis of claims 1 and 21, and these claims are rejected on that basis.

As per claims 23, 49 and 75, Jones discloses "the displaying step displays components of the entity according to a color-coding scheme" (see col. 6, lines 52-54).

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As per claims 24, 50 and 76, the limitations of claims 24, 50 and 76 are rejected in the analysis of claim 1 and 23, and these claims are rejected on that basis.

As per claims 25, 51 and 77, Jones discloses "the retrieved data can be analyzed through tabulated trend analysis and graphical analysis" (i.e., in response to requests for access from customers, the system comprises a graphical user interface which allows the user to specify all of the report content parameters and display the report on a single screen; see col. 3, lines 2033).

As per claims 26, 52 and 78, Jones discloses "data about the plurality of digital databases are stored in at least one serialized file" (see cols. 2-3, lines 66-2), "said method further comprising assembling a new virtual data warehouse based in part on at least one serialized file" (i.e., the report produced will contain the information currently in the database, which information is update daily' see col. 3, lines 37-39).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Agrawal et al., U.S. Pat. No. 6,094,651 relates to a method for interactively exploring a data cube.

Fayyad et al., U.S. Pat. No. 6,549,907 relates to OLAP data cube.

Bensoussan et al., U.S. Pat. No. 6,581,068 relates to multidimensional databases.

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CONTACT INFORMATION

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

February 21, 2006



SHAHID ALAM
PRIMARY EXAMINER